

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MORPHOSYS AG,

Plaintiff,

v.

JANSSEN BIOTECH, INC., GENMAB
US, INC. and GENMAB A/S

Defendants.

C.A. No. 16-221 (LPS) (CJB)

JURY TRIAL DEMANDED

~~**[PROPOSED]**~~ ORDER

Before the Court are MorphoSys's Motions for Partial Summary Judgment of Infringement submitted in accordance with the current Amended Scheduling Order, D.I. 391, which are unopposed by Defendants. The Court hereby **ORDERS** that:

1. Partial summary judgment that the Defendants directly and indirectly infringe claim 18 of U.S. Patent No. 8,263,746 (the "'746 Patent") and claims 1, 5, 6, 11, and 12 of U.S. Patent No. 9,200,061 is **GRANTED**. ~~Defendants propose adding: subject to the Court's determination of the validity and enforceability of those claims].~~

2. Partial summary judgment that daratumumab, the active ingredient in Defendants' Darzalex[®] drug product, meets all claim limitations of claims 1, 6, 7, 8, 12 and 13 of the '746 Patent except for the "human" limitation is **GRANTED**.

3. Partial summary judgment that daratumumab meets all claim limitations of claims 1, 2, and 3 of U.S. Patent No. 9,758,590 except for the "human" limitation is **GRANTED**.

SO ORDERED.

DATED: January 3, 2019



CHIEF UNITED STATES DISTRICT JUDGE